saalt
SOUTH ASIAN AMERICANS LEADING TOGETHER

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Over 4.5 million South Asians reside in the U.S and the community includes undocumented immigrants, dependents and temporary workers on various visas, refugees and asylum-seekers, lawful permanent residents, and U.S. citizens. Numerous South Asians enter the country through the H-1B visa program for workers employed in "specialty occupations." H-1B workers contribute significantly to the U.S. economy, bringing skilled labor to our nation that creates numerous additional jobs and helps our economy thrive. The spouses and children of these individuals enter as H-4 visa holders, with approximately 131,051 individuals receiving H-4 status in FY 2016. According to the State Department, the overwhelming majority of these individuals are of South Asian descent; specifically, in FY 2016, approximately 85% of those who received H-4 visa status were from India, Pakistan, Bangladesh, Sri Lanka, the Maldives, Bhutan, and Nepal.

Unfortunately, H-4 dependents face numerous challenges, which until recently most significantly included the inability to obtain work authorization. This barrier to legal employment prevented spouses and children (of appropriate working age) from contributing to their household income as well as our nation's economy, applying the full scope of their educational and professional skills, and participating fully in American society. Furthermore, the inability of H-4 dependents to pursue work or contributed to their household incomes placed an undue burden on H-1B workers and their families as a whole, making it difficult for many to remain in the U.S. A 2015 DHS rule made it possible for some H-4 visaholders to obtain work authorization. Over 200,000 H-4 vishaholders were expected to benefit from this change in the last two years. However, since many H-4 visaholders remained ineligible for work authorization for six years at a minimum, rescinding this rule now will set families back even further before the benefits of this change can be fully realized.

To rescind this rule and terminate work authorization would force many spouses and children of H-1B visaholders to return to their previous personal and economic hardships, potentially place them at risk of isolation, abuse, and neglect, and remove significant economic benefits to the U.S. economy. H-1B workers and their families are most successful when H-4 dependents have the ability to contribute to their household income and our economy, pursue their goals, and do not suffer the ancillary effects of being limited in their pursuits.

H-4 dependents, the majority of whom are women, are instrumental to the success of their H-1B worker spouse or parent and in turn, the sustainability of their lives in the U.S. H-4 dependents must be allowed to work for numerous reasons, ranging from their ability to contribute to the household to the value they provide to our economy. Additionally, these individuals deserve the right to use and enhance the skills they have learned, be financially self-sufficient, thrive mentally and physically, and pursue their dreams. Beyond allowing H-4 dependents to contribute to their families' financial stability, H-4 dependents also have the ability to support and expand our economy, like their H-1B

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spouses or parents. Rescinding work authorization fails to acknowledge the economic loss incurred by preventing H-4s from working. Many of these individuals might be interested in establishing a small business or founding an innovative company, yet are effectively barred from doing so because of our immigration system.

For many H-4 dependents, the inability to work, pursue one's goals, or contribute to one's family can result in additional barriers for the individual and their families. As we have heard from many local South Asian American organizations that work with domestic violence survivors, H-4 dependents in these situations face tremendous challenges due to their inability to be financially self-sufficient, which is often a barrier to leaving their abusive situations. For those fortunate enough not to struggle with domestic violence, the repercussions of being unable to work, contribute to their families, or pursue their goals are still very serious. These limitations often lead to a loss of self-worth and depression, which greatly impacts H-4 dependents as well as their family members.

Meghna Damani, one of the leading activists for H-4 employment authorization, faced many of these struggles after her arrival to the U.S. Ms. Damani arrived in the U.S. in 2002 on an H-4 visa, while her spouse was working as an H-1B. For years, she was unable to work and felt "suspended between two countries, two realities, and two identities – independent and dependent." Despite her Master's degree and years of work experience, she was unable to pursue any employment because her H-4 status would not allow it. Ms. Damani found herself forlorn and depressed, and at one point, admits that she even became suicidal. But, she is not alone. In fact, so many women struggle with similar experiences that Ms. Damani has dedicated her life to raising awareness about these issues and creating space for H-4 dependent spouses to connect, relate, and find their way through these struggles together.

Most H-4 spouses, like Ms. Damani, often find themselves as involuntary homemakers upon their arrival to the U.S. Not only is their family income and sustainability impacted by this limitation, but their professional skills are diminishing as well. The issues faced by H-4 dependents do not only impact them as individuals—they also impact their relationships inside and outside of their homes. To deprive H-4s of employment opportunities and growth is detrimental to their well-being as individuals and within their families.

Additionally, the children of H-1B visaholders who also hold H-4 visa status fall in limbo when they turn 21. These young people are required to bridge change of status to an F-1 student visa upon turning 21. However, if there was a gap of more than thirty days between the expiration of the H-4 and the start of the new F-1 program, and the applicant did not file a bridge change of status to B-2, then USCIS will deny the change of status applications. This is often inevitable as the change of status application takes many months, and so the school is forced to defer the start date. This creates a catch-22 since filing a bridge change of status to B-2 is counterintuitive and if the change of status to B-

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2 gets approved, the applicant has to stop going to school until the change to F-1status gets approved. This requires provisions of the CSPA to be extended to H-4 visaholders.

The challenges that H-4 visaholders face cannot be underestimated, and it is for this reason that legislative action is timely and urgent now.